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63D CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1280.

RESERVATION OF SCHOOL LANDS IN ALASKA.

JANUARY 14, 1915.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LENROOT, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 20851.]

The Committee on the Public Lands, to which was referred H. R. 20851, introduced by Mr. Wickersham, begs leave to report the same with the recommendation that the bill do pass. Omitting the formal parts, the bill recommended for passage is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when the public lands in the Territory of Alaska are surveyed under direction of the Government of the United States sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved from sale or settlement for the support of common schools in the Territory of Alaska; and section thirty-three in each township in the Tanana Valley between parallels sixty-four and sixty-five north latitude and between the one hundred and forty-fifth and the one hundred and fifty-second degrees of west longitude (meridian of Greenwich) shall be, and the same is hereby, reserved from sale or settlement for the support of a Territorial agricultural college and school of mines when established by the Legislature of Alaska upon the tract granted in section two of this act: *Provided*, That where settlement with a view to homestead entry has been made upon any part of the sections reserved hereby, before the survey thereof in the field, or where the same may have been sold or otherwise appropriated by or under the authority of any act of Congress, or are wanting or fractional in quantity, other lands may be designated and reserved in lieu thereof in the manner provided by the act of Congress of February twenty-eighth, eighteen hundred and ninety-one (Twenty-sixth Statutes, page seven hundred and niuety-one): *Provided further*, That the Territory may, by general law, provide for leasing said land in area not to exceed one section to any one person, association, or corporation for not longer than ten years at any one time: *And provided further*, That if any of said sections, or any part thereof, shall be of known mineral character at the date of acceptance of survey thereof, the reservation herein made shall not be effective or applicable, but the entire proceeds or income derived by the United States from such sections sixteen and thirty-six and such section thirty-three in each township in the Tanana Valley area hereinbefore described, and the minerals therein, together with the entire proceeds or income dervied from said reserved lands, are hereby appropriated and set apart as separate and permanent funds in the Territorial treasury, to be invested and the income from which shall be expended only for the exclusive use and benefit of the public schools of Alaska or of

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the agricultural college and school of mines, respectively, in such manner as the Legislature of Alaska may by law direct.

SEC. 2. That section numbered six, in township numbered one south of the Fairbanks base line and range numbered one west of the Fairbanks meridian; section numbered thirty-one, in township numbered one north of the Fairbanks base line and range numbered one west of the Fairbanks meridian; section numbered one, in township numbered one south of the Fairbanks base line and range numbered two west of the Fairbanks meridian; and section numbered thirty-six, in township numbered one north of the Fairbanks base line and range numbered two west of the Fairbanks meridian be, and the same are hereby, granted to the Territory of Alaska, but with the express condition that they shall be forever reserved and dedicated to use as a site for an agricultural college and school of mines: *Provided*, That nothing in this act shall be held to interfere with or destroy any legal claim of any person or corporation to any part of said lands under the homestead or other law for the disposal of the public lands acquired prior to the approval of this act: *Provided further*, That so much of the said land as is now used by the Government of the United States as an agricultural experiment station may continue to be used for such purpose until abandoned for that use by an order of the President of the United States or by an act of Congress.

FULL CONSIDERATION BY COMMITTEE AND DEPARTMENTS.

The substance of the bill reported and recommended for passage has been before the Committee on the Public Lands for nearly a year. H. R. 13487, containing generally the provisions of the bill, was introduced by Mr. Wickersham, February 17, 1914, and referred to the committee, and thereafter H. R. 15870, H. R. 17262, and H. R. 20496 were introduced by Mr. Wickersham with intent to present the same general subject more satisfactorily either to himself, to the committee, to the Department of the Interior, or to the Department of Agriculture. The subject matter of the bill has been carefully examined by the Commissioner of the General Land Office and his legal force and by the Secretary of the Interior. The Secretary of the Interior has made two reports on the preceding bills, and the Secretary of Agriculture made one report. A subcommittee of the committee, assisted by one of the legal officers from the Department of the Interior and one from the General Land Office, made the final draft and submitted it to the full Committee on the Public Lands, who requested Mr. Wickersham to introduce the final draft as a new bill; it is this draft which is now favorably reported as H. R. 20851, with the recommendation that it do pass.

THE SCOPE OF THE BILL.

The first section of the bill provides that when the public lands in Alaska are surveyed by the United States (1) sections 16 and 36 in each township, not known to be mineral at the time of acceptance of survey, shall be reserved from sale or settlement for the support of common schools; (2) section 33 in each township, not known to be mineral at time of acceptance of survey, in the Tanana Valley in the area bounded by the sixty-fourth degree of latitude on the south and the sixty-fifth degree of latitude on the north, and between the one hundred and forty-fifth and one hundred and fifty-second meridians (from Greenwich), shall be reserved from sale or settlement for the support of a Territorial agricultural college and school of mines.

Where any of the lands described are found to be occupied by homestead settlers or have been sold or otherwise appropriated according to law at the time of the survey, the bill provides that lieu

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lands may be selected and reserved to supply the deficiency in the manner provided by the general lieu-land selection act of February 28, 1891. (26 Stat., 791.)

Where the lands are surveyed and the reservation provided becomes operative the Territory is authorized to lease the land in area not to exceed one section of 640 acres to any one person, association, or corporation for not longer than 10 years at any one time.

If any of the lands mentioned are known mineral lands at the date of the acceptance of the survey, when the reservation would otherwise become effective, the bill provides that the reservation shall not be effective or applicable, but the entire proceeds of the section or sections found to be mineral shall be transferred by the United States to the Territorial treasury for the use either of the common schools or the agricultural college and school of mines, respectively.

The bill does not authorize the Territory to expend any part of the principal amount obtained either from leasing or from the proceeds of the lands, but does authorize the use of the income from sections 16 and 36 for the support of common schools in the Territory, and the use of the income of the fund derived from section 33 in the limited area in the Tanana Valley for the support of the agricultural college and school of mines.

THE AGRICULTURAL COLLEGE AND SCHOOL OF MINES.

Section 2 of the bill grants to the Territory of Alaska 4 sections of 640 acres each, a total of 2,560 acres, for the purpose of a site for a Territorial agricultural college and school of mines. This grant, however, is subject to the right of the United States to continue to use the tract as an agricultural experiment station until it shall be abandoned for that use by an order of the President or by an act of Congress.

There is now an agricultural experiment station maintained upon a portion of these sections by the United States, but the use thereof for that purpose it is thought will aid the agricultural college, since it will afford demonstration in practical work under the most favorable conditions. The agricultural experiment station reservation embraces about one-half of the tract reserved.

APPROVED BY SECRETARY OF AGRICULTURE.

On May 2, 1914, the Secretary of Agriculture addressed the following letter to the chairman of the Public Lands Committee in support of one of the earlier bills of this series:

DEPARTMENT OF AGRICULTURE,
Washington, May 2, 1914.

Hon. SCOTT FERRIS,
House of Representatives.

MY DEAR MR. FERRIS: I have your note of April 27, with the request that I report on H. R. 15870, particularly as to section 9. I have no comment to make on any part of the bill except on section 9.

I think it very proper that the reservation of a site be made for a higher institution of learning in Alaska. Whether such an institution should be organized at the present time and that Federal aid be furnished it is a question on which opinion may well differ. The population of Alaska is only about 70,000, and the number of high-school graduates is very small. In all probability the number would be greater

if there were college facilities in Alaska. I understand that families going to Alaska in many instances leave their children at home because of the lack of opportunity to secure college training in Alaska. I would suggest that the word "university" be omitted from the bill, and that the establishment of an agricultural and mechanical college alone be contemplated. It would be a very long time before there would be need for a university in Alaska or before the conditions would make possible the maintenance of one. I imagine the training that would be required could be furnished by a college of agriculture and mechanic arts and all the technical training could be provided through it.

I see no objection to the proviso that so much of the land as is now used by the Government of the United States as an agricultural experiment station may be continued to be used for such purpose until abandoned for that use by an order of the President or by act of Congress. The experiment station ought to be continued there and ought to continue to be related to the department, just as all the other experiment stations in the States are at present related. The same relation should be provided for between any college of agriculture and mechanic arts that may be created and this department. The Alaskan board, if it is authorized and organized, might bear the same relation to the college and the experiment station that the State authorities at the present time bear to such establishments.

I suppose it is contemplated that the Territory should provide buildings and some further support for the college. The aid contemplated in the bill would not be sufficient to provide the necessary buildings, equipment, and operating expenses.

Section 12 creates a commission, and this commission is authorized to make a report. This report would recommend a plan for organization and can cover all the points I have in mind as to the character of the institution. It occurs to me that it would be wise for you to include on the commission a representative from the Department of the Interior in place of the third person to be appointed by the Secretary of Agriculture from the Department of Agriculture. The Interior Department has large relations in Alaska and has the Bureau of Education. This bureau has certain jurisdiction over educational matters in Alaska. It is for this reason that I make the suggestion that the third person be connected with the Department of the Interior.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

In view of the questions raised by this report your committee concluded to eliminate all matters concerning which there might be differences of opinion and therefore the bill provides only for the reservations named in the bill, the grant of four sections for the site of the agricultural college and school of mines, and the use of the income derived, for the purpose named in the bill. All questions relating to the organization and establishment of the college and school of mines are left to the Territorial legislature and future action of Congress.

AN EMERGENCY BILL.

The United States has now begun the survey of public lands in Alaska, and especially in the Tanana and other valleys where the agricultural land lies. If the school lands mentioned in this bill are not reserved under an act of Congress prior to the survey in place they will be lost to the school fund. For that reason it is necessary that this bill pass at the earliest possible date. Many sections have already been entered, both before and after survey, which will be lost unless lieu lands may be taken therefor. The surveys within the limited area in the Tanana Valley are being made and the sections thus reserved for the agricultural college and school of mines will be taken as fast as the surveys are made unless this bill be passed.

AMOUNT RESERVED FOR AGRICULTURAL COLLEGE AND SCHOOL OF MINES.

The area within which reservation is made for the agricultural college and school of mines is a very small one. It is 66⅔ miles wide and 210 miles long. There are 6 townships in the width of this tract and 35 in the length, or 210 townships in all. One section, No. 33, is reserved in each township for the agricultural college and school of mines, or 210 sections in all. These contain 134,400 acres, which is a smaller number of acres than is usually given an agricultural college or school of mines. A detailed statement of the reservations to Territories under the agricultural and mechanical college grants will be found in The Public Domain and Its History (Donaldson, Government Printing Office, 1884), at pages 229–231.

SCHOOL-RESERVATION POLICY.

Beginning with the act of April 30, 1802, for the formation of the State of Ohio, Congress gave or reserved section 16 in every township for the use of the common schools. This was the limit of reservation in States and Territories until in the act for the organization of the Territory of Oregon, August 14, 1848, Senator Stephen A. Douglas inserted an additional grant for school purposes of the thirty-sixth section in each township with indemnity for all public-land States thereafter to be admitted, making the reservation for school purposes the sixteenth and thirty-sixth sections, or 1,280 acres in each township of 6 miles square, reserved in public-land States and Territories, and confirmed by grant in terms in the act of admission of such State or Territory in the Union. Since the organization of Oregon Territory in 1848 every act of Congress organizing a Territory has specifically reserved sections 16 and 36 for the use of common schools therein.

The whole matter of educational land grants is covered by chapter 13 of The Public Domain and its History, pages 223–231.

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